

FILED
9/15/21 11:23 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**IN RE: Eric J. Brutout and
Heather L. Brutout**

) Case No. 19-20164-JAD
)
) Chapter 13
)
) Debtor(s). Relted To ECF Nos. 102, 100, 98, 94,
X

ORDER OF COURT
(Check Boxes That Apply)

☒ **Confirming Plan on Final Basis**

☐ **Chapter 13 Plan dated:**

☐ **Authorizing Distributions Under Plan** ☒ **Amended Chapter 13 dated:**
On Interim Basis Solely as Adequate Protection **8-2-21**

IT IS HEREBY ORDERED that pursuant to the plan identified above (the "Plan"), as the same may be modified by this Order, the Chapter 13 Trustee is authorized to make distributions to creditors holding allowed claims from available funds on hand. Such distributions shall commence no earlier than the Chapter 13 Trustee's next available distribution date after the first day of the month following the date on which this Order is entered on the Court's docket.

IT IS FURTHER ORDERED that those terms of the Plan which are not expressly modified by this Order shall remain in full force and effect. To the extent any terms and conditions of the Plan are in conflict with this Order, the terms of this Order shall supersede and replace any conflicting terms and conditions of the Plan.

1. Unique Provisions Applicable Only to This Case: *Only those provisions which are checked below apply to this case:*

☒ A. For the remainder of the Plan term, the periodic monthly Plan payment is amended to be \$2,052.00, beginning 9/21. To the extent there is no wage attachment in place or if an existing wage attachment is insufficient to fund the Plan payments, counsel to the Debtor(s) shall within seven (7) days hereof file a wage attachment motion (or motions) to fully fund the Plan payments, or shall sign up for and commence payments under the Trustee's TFS online payment program.

☐ B. The length of the Plan is changed to a total of at least ____ months. This

statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved.

- ☐ C. To the extent this Order is entered as a form of adequate protection, the Trustee is authorized to distribute to secured and priority creditors with percentage fees payable to the Chapter 13 Trustee on receipt as provided for in 28 U.S.C. §586. ***Continued conciliation conferences before the Trustee or contested hearings before the Court shall proceed on such dates and times as appear on the case docket.*** The Trustee is deemed to have a continuous objection to the Plan until such time the Plan is confirmed on a final basis.

PARTIES ARE REMINDED OF THEIR DUTY TO MONITOR THE COURT'S DOCKET AND ATTEND DULY SCHEDULED HEARINGS. THE PARTIES ARE FURTHER REMINDED OF THEIR DUTY TO MEET AND CONFER AND OTHERWISE ENGAGE IN GOOD FAITH SETTLEMENT NEGOTIATIONS WITH RESPECT TO ANY OBJECTION TO PLAN CONFIRMATION. FAILURE TO COMPLY WITH THESE DUTIES MAY RESULT IN THE IMPOSITION OF SANCTIONS AGAINST THE OFFENDING PARTY.

- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. The following utility creditor _____ shall be paid monthly payments of \$_____ beginning with the Trustee's next distribution and continuing for the duration of the Plan's term, to be applied by that creditor to its administrative claim, ongoing budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim:
*PA Department of Revenue claim #7
*IRS claim #8-4
- ☐ H. The secured claims of the following creditors shall govern as to claim amount, to be paid at the modified plan interest rate in a monthly amount to be determined by Trustee to pay the claim in full during the Plan term:

- ☐ I. The secured claim(s) of the following creditors shall govern as to claim amount, to be paid at the indicated interest rate in a monthly amount to be determined by Trustee to pay in full during the Plan term:
-
- ☐ J. The secured claim(s) of the following creditor(s) shall govern, following all allowed post-petition payment change notices filed of record:
- ☒ K. Additional Terms and Conditions:
*Trustee's Certificate of default document 94 is resolved by this order.
*Governmental proof(s) of claims contain estimated amounts. Trustee will pay claim(s) as have been filed. Discharge remains contingent on all returns having been filed and all secured and priority amounts having been paid in accordance with §§ 1308 and 1325.

2. Deadlines. The following deadlines are hereby established and apply to this case:

A. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates a sale or sales of assets or the recovery of litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

B. Review of Claims Docket and Objections to Claims. Pursuant to *W.P.A.LBR 3021-1(c)(2)*, the Debtor(s) (or Debtor(s)' attorney, if represented), shall review the proofs of claim filed in this case and shall file objections (1) to any disputed timely filed claims within ninety (90) days after the claims bar date, or (2) to any disputed late filed or amended claims within ninety (90) days after the amended and/or late claims are filed and served. Absent a timely objection or further order of the Court, the timely filed proof of claim will govern as to the classification and amount of the claim; provided however, no creditor shall receive a distribution in this case until such time as the relevant allowed claim is provided for in the Plan or any subsequent amended plan.

C. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, and all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

D. Filing Amended Plans or Other Stipulation. Within fourteen (14) days after the Bankruptcy Court resolves the priority of a claim, avoidability of a lien or interest, or extent of a lien, or any objection to claim, the Debtor(s) shall file an Amended Plan or Stipulated Order Modifying Plan to provide for the allowed amount of the lien or claim if the allowed amount and/or treatment differs from the amount and/or treatment stated in the Plan. The Debtor(s) or Counsel for Debtor(s) should inquire with the Chapter 13 Trustee regarding whether an Amended Plan or proposed Stipulated Order Modifying Plan is the preferred course of action. In addition, if after the conclusion of the claims bar date and any associated litigation, the Plan is underfunded, Debtor(s) shall also file (1) an amended Plan increasing the monthly Plan payment, and (2) a

revised wage attachment to provide for the increased funding.

3. Additional Provisions. The following additional provisions apply in this case:

A. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

B. The Trustee shall hold in reserve any distributions under the Plan to any creditor who holds a claim that is provided for in the Plan but which is subject to a duly filed claims objection. Upon entry of further order of the Court, or ultimate allowance of the disputed claim provided for in the Plan, the Trustee may release the reserve and make distribution to the affected creditor. Unless otherwise permitted by separate Order of Court, Trustee shall not commence distributions to unsecured creditors until after the later of the government bar date and a filed notice of an intention to pay claims (the later date being the "Earliest Unsecured Distribution Date"). Trustee may, but has no obligation to, further defer distributions to unsecured creditors until a later date after the Earliest Unsecured Distribution Date.

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor(s)' counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.


E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any allowed ***secured claim*** (that is secured by the property subject to the relief from stay order), unless otherwise directed by further Order of Court.

G. The Debtor(s) shall maintain all policies of insurance on all property of the Debtor(s) and this estate as required by law and/or contract.

H. The Debtor(s) shall pay timely all post-confirmation tax liabilities directly to the appropriate taxing authorities as they become due.

Dated: September 15, 2021


Jeffery A. Deller **mas**
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk

In re:
Eric J Brutout
Heather L Brutout
Debtors

Case No. 19-20164-JAD
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Sep 15, 2021

User: msch
Form ID: pdf900

Page 1 of 3
Total Noticed: 47

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 17, 2021:

Recip ID	Recipient Name and Address
db/jdb	+ Eric J Brutout, Heather L Brutout, 4504 38th Avenue, New Brighton, PA 15066-2846
cr	+ Fay Servicing, LLC, c/o McCalla Raymer Leibert Pierce, LLC, Bankruptcy Department, 1544 Old Alabama Road, Roswell, GA 30076-2102
cr	+ SELECT PORTFOLIO SERVICING, INC, PO Box 65250, Salt Lake City, UT 84165-0250
cr	+ United States of America Department of the Treasur, c/oOffice of U.S. Atty for W.D. of PA, U.S. Post Office & Courthouse, 700 Grant Street, Suite 4000, Pittsburgh, PA 15219 U.S.A. 15219-1956
cr	+ Wilmington Savings Fund Society, FSB, d/b/a Christ, RAS Crane, LLC, 10700 Abbotts Bridge Road, Suite 170, Duluth, GA 30097-8461
14977980	+ Bureau of Account Managment, 3607 Rosemont Ave Ste 502, Po Box 8875, Camp Hill, PA 17001-8875
14977984	+ Commonwealth Financial Systems, Attn: Bankruptcy, 245 Main Street, Dickson City, PA 18519-1641
14977990	+ Fay Servicing Llc, Attn: Bankruptcy, 440 S Lasalle St Suite 2000, Chicago, IL 60605-5011
14977991	Greater Pittsburgh Orthopaedic, PO Box 3485, Pittsburgh, PA 15230-3485
14977992	+ I C System Inc, Attn: Bankruptcy, P.O. Box 64378, St. Paul, MN 55164-0378
14977994	+ Jamies Physical Therapy and Sports Medic, 2284 Brodhead Road, Aliquippa, PA 15001-4685
14977995	+ Jason Rodriguez, MD, c/o Penn Credit Corp, PO Box 69703, Harrisburg, PA 17106-9703
14978000	PA Dept of Revenue, 280408 Strawberry Sq, Harrisburg, PA 17101
14978001	Quest Diagnostics, PO Box 740777, Cincinnati, OH 45274-0777
15191345	+ U.S. Bank Trust National Association as Trustee f, Serviced by Select Portfolio Servicing., PO Box 65250, Salt Lake City, UT 84165-0250
14978003	+ U.S. Department of Education, Ecmc/Bankruptcy, Po Box 16408, Saint Paul, MN 55116-0408
15031965	UNITED STATES DEPARTMENT OF EDUCATION, CLAIMS FILING UNIT, PO BOX 8973, MADISON, WI 53708-8973
15075064	US Department of Education, P O Box 16448, St Paul, MN 55116-0448
14978004	+ US Deptartment of Education/Great Lakes, Attn: Bankruptcy, Po Box 7860, Madison, WI 53707-7860
14978005	+ Weltman, Weinberg & Reis, 2718 Koppers Building, 436 Seventh Avenue, Pittsburgh, PA 15219-1842
14997497	Wilmington Savings Fund Society, FSB, c/o Fay Servicing, LLC, PO Box 814609, Dallas, TX 75381-4609

TOTAL: 21

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: acg.acg.ebn@americaninfosource.com	Sep 15 2021 23:24:45	Exeter Finance LLC, c/o AIS Portfolio Services, LP, 4515 N Santa Fe Ave. Dept. APS, Oklahoma City, OK 73118-7901
cr	+ Email/PDF: cbp@onemainfinancial.com	Sep 15 2021 23:24:36	OneMain Financial Group LLC, PO Box 3251, Evansville, IN 47731-3251
14977981	+ Email/Text: bnc-capio@quantum3group.com	Sep 15 2021 23:14:00	Capio Partners Llc, Attn: Bankruptcy, Po Box 3498, Sherman, TX 75091-3498
14977982	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Sep 15 2021 23:14:00	Comenity Bank/Victoria Secret, Attn: Bankruptcy Dept, Po Box 182125, Columbus, OH 43218-2125
14977983	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Sep 15 2021 23:14:00	Comenitybank/New York, Attn: Bankruptcy Dept, Po Box 182125, Columbus, OH 43218-2125

District/off: 0315-2

User: msch

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Date Rcvd: Sep 15, 2021

Form ID: pdf900

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14977985	+ Email/Text: bankruptcy_notifications@ccsusa.com	Sep 15 2021 23:15:00	Credit Collection Services, Attn: Bankruptcy, 725 Canton St, Norwood, MA 02062-2679
14977986	Email/Text: Bankruptcy.Consumer@dish.com	Sep 15 2021 23:14:00	Dish Network, Dept. 0063, Palatine, IL 60055-0063
15016244	+ Email/Text: kbarkley@bernsteinlaw.com	Sep 15 2021 23:15:00	Duquesne Light Company, c/o Bernstein-Barkley, P.C., 707 Grant St., Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
14977988	Email/Text: bknotice@ercbpo.com	Sep 15 2021 23:14:00	ERC, PO Box 23870, Jacksonville, FL 32241-3870
14977989	+ Email/PDF: ais.exeter.ebn@americaninfosource.com	Sep 15 2021 23:24:40	Exeter Finance Corp, Po Box 166008, Irving, TX 75016-6008
15008544	+ Email/PDF: ais.exeter.ebn@americaninfosource.com	Sep 15 2021 23:24:45	Exeter Finance LLC, P.O. Box 167399, Irving, TX 75016-7399
15167817	+ Email/PDF: ais.exeter.ebn@americaninfosource.com	Sep 15 2021 23:24:45	Exeter Finance LLC, PO Box 650693, Dallas, TX 75265-0693
14977993	Email/Text: sbse.cio.bnc.mail@irs.gov	Sep 15 2021 23:14:00	Internal Revenue Service, Centralized Insolvency Unit, PO Box 7346, Philadelphia, PA 19101-7346
15343610	Email/Text: JCAP_BNC_Notices@jcap.com	Sep 15 2021 23:15:00	JEFFERSON CAPITAL SYSTEMS LLC, PO Box 7999, St Cloud MN 56302
15314441	+ Email/PDF: resurgentbknotifications@resurgent.com	Sep 15 2021 23:24:42	LVNV Funding LLC, PO Box 10587, Greenville, SC 29603-0587
15015145	Email/PDF: resurgentbknotifications@resurgent.com	Sep 15 2021 23:24:46	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14977996	+ Email/Text: Bankruptcies@nragroup.com	Sep 15 2021 23:15:00	National Recovery Agency, Attn: Bankruptcy, Po Box 67015, Harrisburg, PA 17106-7015
14977997	+ Email/Text: nhc@nhchome.com	Sep 15 2021 23:14:00	Natl Hosp Collections, Attn: Bankruptcy, 16 Distributor Dr., Ste 2, Morgantown, WV 26501-7209
14977998	+ Email/Text: Eden@NewAllianceFCU.com	Sep 15 2021 23:15:00	New Alliance Fcu, 835 Merchant St, Ambridge, PA 15003-2398
14996314	+ Email/PDF: cbp@onemainfinancial.com	Sep 15 2021 23:24:40	OneMain, PO Box 3251, Evansville, IN 47731-3251
14977999	+ Email/PDF: cbp@onemainfinancial.com	Sep 15 2021 23:24:45	OneMain Financial, Attn: Bankruptcy, 601 Nw 2nd Street, Evansville, IN 47708-1013
15012588	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Sep 15 2021 23:24:40	Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
14984912	Email/Text: RVSVCBICNOTICE1@state.pa.us	Sep 15 2021 23:14:00	Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946, Harrisburg, PA 17128-0946
14983055	Email/Text: bnc-quantum@quantum3group.com	Sep 15 2021 23:14:00	Quantum3 Group LLC as agent for, CF Medical LLC, PO Box 788, Kirkland, WA 98083-0788
14978002	+ Email/Text: Supportservices@receivablesperformance.com	Sep 15 2021 23:15:00	Receivables Performance Mgmt, Attn: Bankruptcy, Po Box 1548, Lynnwood, WA 98046-1548
15003597	Email/PDF: ais.sprint.ebn@americaninfosource.com	Sep 15 2021 23:24:36	Sprint Corp, Attention Bankruptcy, PO Box 7949, Overland Park, KS,66207-0949
14978003	+ Email/Text: ECMCBKNotices@ecmc.org	Sep 15 2021 23:14:00	U.S. Department of Education, Ecmc/Bankruptcy, Po Box 16408, Saint Paul, MN 55116-0408
15075064	Email/Text: EDBKNotices@ecmc.org	Sep 15 2021 23:14:00	US Department of Education, P O Box 16448, St Paul, MN 55116-0448

TOTAL: 28

District/off: 0315-2
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Form ID: pdf900

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Total Noticed: 47

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		U.S. Bank Trust National Association as Trustee fo
cr	*+	Duquesne Light Company, c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
cr	*P++	JEFFERSON CAPITAL SYSTEMS LLC, PO BOX 7999, SAINT CLOUD MN 56302-7999, address filed with court., Jefferson Capital Systems, LLC, PO Box 7999, St Cloud, MN 56302-9617
cr	*+	LVNV Funding LLC, PO Box 10587, Greenville, SC 29603-0587
14977987	##+	Elements Behavioral Health, 5000 Airport Plaza Drive, Suite 100, Long Beach, CA 90815-1273

TOTAL: 1 Undeliverable, 3 Duplicate, 1 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 17, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 15, 2021 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor U.S. Bank Trust National Association as Trustee for GIFM Holdings Trust bnicholas@kmlawgroup.com
Edgardo D Santillan	on behalf of Debtor Eric J Brutout ed@santillanlaw.com edscourt@debtlaw.com,edscourt@gmail.com,650corpst304bknotbackup15009@gmail.com,eds@debtlaw.com,eds.myecfemail@gmail.com,r53999@notify.bestcase.com
Edgardo D Santillan	on behalf of Joint Debtor Heather L Brutout ed@santillanlaw.com edscourt@debtlaw.com,edscourt@gmail.com,650corpst304bknotbackup15009@gmail.com,eds@debtlaw.com,eds.myecfemail@gmail.com,r53999@notify.bestcase.com
Jill Locnikar	on behalf of Creditor United States of America Department of the Treasury Internal Revenue Service jill.locnikar@usdoj.gov, patricia.fitzgerald@usdoj.gov;caseview.ecf@usdoj.gov;kassi.horton@usdoj.gov
Keri P. Ebeck	on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com jbluemle@bernsteinlaw.com
Maria Miksich	on behalf of Creditor U.S. Bank Trust National Association as Trustee for GIFM Holdings Trust mmiksich@kmlawgroup.com
Office of the United States Trustee	ustpregion03.pi.ecf@usdoj.gov
Peter E. Meltzer	on behalf of Creditor OneMain Financial Group LLC bankruptcy@wglaw.com ibernatski@wglaw.com
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com

TOTAL: 9